

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CHRISTOPHER DEWAYNE LUMPKIN,

Plaintiff,

v.

Civil Action No. **3:23CV792**

**VIRGINIA DEPARTMENT OF CORRECTIONS
DIRECTOR DOTSON, et al.,**

Defendants.

MEMORANDUM OPINION

On November 30, 2023, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on January 18, 2024, the Court directed Plaintiff to pay an initial partial filing fee of \$72.94 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within thirty (30) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Plaintiff, therefore, is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.¹

An appropriate Order shall issue.

Date: 5 March 2024
Richmond, Virginia

<div style="display: flex; align-items: center; justify-content: center;"><div style="text-align: right; margin-right: 10px;">/s/</div><div style="font-size: 2em; color: blue; margin-right: 10px;">JG</div><div style="border-top: 1px solid black; width: 100%;"></div></div> <div style="text-align: center;"><small>John A. Gibney, Jr. Senior United States District Judge</small></div>
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¹ Plaintiff filed a "Motion for Appeal" in this action. (ECF No. 7.) This case, however, had clearly not been dismissed and the appeal is not a proper interlocutory appeal. *See* 28 U.S.C. § 1292. Plaintiff also indicates that he will pay every month. (*Id.* at 1–2.) Plaintiff, however, has not paid the initial partial filing fee in a timely manner and has failed to comply with the directives of the Court.